

6
IN THE HIGH COURT OF KARNATAKA, AT BANGALORE

Dated: This the 5th day of June, 1998

PRESENT

THE HON'BLE THE CHIEF JUSTICE

&

THE HON'BLE MR. JUSTICE K.R. PRASADA RAO

WRIT PETITION NUMBER 10987 OF 1998

BETWEEN:

1. The Union of India
represented by its Secretary
Ministry of Defence, Department of Defence Production & Supplies South Block, DHQ PO
NEW DELHI-110 066

2. The Director,
Directorate of Quality Assurance (Naval) West Block
5, RK Puram, New Delhi 110 066

158
... Petitioners

(By Sri. Ashok Haranahalli, Advocate)

AND

1. Sri. M.B.B. Sarma, S/o
late M. Chandra Sarma
Upper Division Clerk
Chief Quality Assurance Est.
(Warship Equipment), Ministry
of Defence (DGQA)
Jalahalli Camp Road,
Bangalore-560 022

... Respondent

2- Smt. R.K. Sunandha, Office
Superintendent-II, Chief
Quality Assurance Estt
(Warship Equipment), Ministry
of Defence (DGOA)
Jalahalli Camp Road,
Bangalore-560 022

3. Central Administrative
Tribunal, Bangalore
Bench,

Shopping Complex,
Indiranagar,

Bangalore-560 038

represented by its

REGISTRAR

(By Sri.

N11.)

Writ Petition is to quash vide Annexure-A dt:
4.12.97 by R-3 and consequently dismiss the Original
application No.1039/96

Writ Petition coming on to-day for preliminary hearing
the Chief Justice, made the following:

ORDER

160

During the course of arguments, the learned Counsel for the petitioners relied upon a Judgement of the Supreme Court in STATE OF PUNJAB -VS- G.S. GILL (1997) 6 SCC PG 121 to urge that as the case in hand was a case of carrying forward the reserved vacancy, the Tribunal was not justified in issuing the directions on the basis of the Judgments referred in its order.

The learned Counsel has further submitted that as out of the two persons, who were appointed in the reserved category, one had not joined and under such circumstances, there was no necessity of setting aside the promotion of respondent No.2.

2. As the pleas raised before us were not agitated before the Tribunal, we are not inclined to interfere in the exercise of writ jurisdiction.

Writ Petition is dismissed giving the petitioners liberty to move the Tribunal even for recall or for review of order on the grounds urged before us or such other grounds as may be available to them ~~in accordance~~ in accordance with law and subject to all ^{just} exceptions.



Sd/-
JUDGE

Sd/-
JUDGE